

### **REMARKS**

Claims 20-59 and 61-72 are pending in the application. Reconsideration of the pending rejection and allowance of claims 20-59 and 61-72 in light of the amendments and remarks herein are respectfully requested.

### **Rejection under 35 U.S.C. § 103**

Claims 20-26, 28-34, 36-40, 42-47, 49-54, 56-59, 61-65, 67, 68, 70 and 71 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over *Bouve et al.* U.S. Patent No. 5,682,525 ("*Bouve*") in light of *Hunt et al.* U.S. Patent No. 5,893,091 ("*Hunt*"). Claims 27, 35, 41, 48, 55, 66 and 69 stand rejected as obvious over *Bouve* and *Hunt* in light of *Bianco* U.S. Patent No. 5,047,416. Independent claims 20, 28, 36, 42, 49, 56, 61, 67, and 70 have been amended. No new matter has been added. Support for these amendments may be found at least at original claims 10-17. Applicant respectfully submits that the cited references do not disclose the limitations of claims 20-59 and 61-72 for the following reasons.

### **Independent Claim 20**

Applicants respectfully submit that independent claim 20 would not have been obvious in light of the combination of *Bouve* and *Hunt* because the cited combination does not disclose or fairly suggest the limitations of claim 20. Claim 20 relates to a method that delivers a customized offer for an item of merchandise offered for sale at a retailer proximate a user. The item of merchandise is associated with an item of merchandise that the user desires to purchase. Information identifying a user profile is including an item of merchandise that the user desires to purchase and the user's shopping preferences is obtained. The user profile and a determined

location of the user are transmitted “to a retailer-agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers.” The customized offer is generated “based on the user profile and the result of the query.”

The cited combination, on the other hand, does not disclose or suggest transmitting “the user profile to a retailer-agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers,” “a result of the query identifying a retailer proximate the user selling an item of merchandise associated with the item of merchandise that the user desires to purchase,” and “generating a customized offer for the item of merchandise based on the user profile and the result of the query.” First *Bouve* describes “remotely determining the position of a selected category of items of interest in a selected geographic vicinity from a database,” where the ‘items of interest’ are “services, products, geographic sites, architectural sites stores, restaurants, public services, or other items which a user of the invention may wish to locate” (col. 1, ll. 61-64; col. 2, ll. 10-13). The information merely includes information that is readily available about an item of interest. The items of interest do not include any specific items of merchandise for sale, or information concerning an offer for sale of a specific item offered at a retailer proximate a user. More particularly, *Bouve* does not describe information that is available solely from a retailer or a retailer agent, such as an offer for sale of an item of merchandise at a time when a user is proximate to the retailer. Accordingly, *Bouve* does not disclose or suggest “a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers,” “identifying a retailer proximate the user

selling an item of merchandise associated with the item of merchandise that the user desires to purchase,” and “generating a customized offer for the item of merchandise based on the user profile and the result of the query.”

Next, *Hunt* describes distributing time-sensitive information in the form of alerts that are distributed over a plurality of alert channels on a computer network. (Abstract). *Hunt* is based on a server-push model that delivers user notifications of information via IP multicast. (col. 4, ll. 44-47). The system alerts a user that a product is available and provides a URL for the user to link to in order to find out more about or purchase the product. (col. 6, ll. 36-38). Accordingly, the alerts are broadcast and require user interaction to receive further information. (col. 5, ll. 57-61). That is, the information related to any product may be viewed not as the result of a query, but by a user clicking on a link to information. *Hunt* is silent on a location of the user, the location of a retailer of the item of merchandise and whether items of merchandise are offered for sale at retailers proximate to a user. *Hunt* may provide a URL for a user to link to additional information, but such a URL does not constitute information related to a proximity of a retailer to the user. In particular, the information provided by the broadcast alerts of *Hunt* does not include a customized offer for sale.

To the extent that one skilled in the art may combine *Bouve* and *Hunt*, if at all, the combination would include providing a URL link to information from a retailer. *Bouve* describes illustrating a map with “items of interest” and *Hunt* describes providing a URL link to further information. The information provided by *Bouve* and *Hunt* merely includes information that is readily available about an item of interest, and does not include any information or content that is available solely from a retailer or a retailer agent. Neither reference discloses or suggests

generating a customized offer and displaying the offer to a user. Accordingly, applicants respectfully submit that the cited combination does not disclose or suggest the limitations of claim 20.

Applicants also respectfully submit that one skilled in the art would not combine *Hunt* with *Bouve*. Indeed, since *Hunt* describes that information is provided to a user by way of an alert or by an Internet Protocol Multicast, *Hunt* discloses to broadcast information and to receive information over broadcast IP channels. In *Hunt*, a user allows information to be received and filtered in order to determine whether to present a link to further information. *Hunt* does not seek out information. *Hunt* discloses that the information is passively received rather than actively sought, such as by a query. Accordingly, *Hunt* teaches away from querying a computerized network of information to find information. Therefore, Applicant respectfully submits that claim 20 would not have been obvious in light of the cited combination. Accordingly, Applicant requests reconsideration of the rejection of independent claim 20.

Independent Claims 28, 36, 42, 49, 56, 61, 67 and 70

Applicants respectfully submit that independent claims 28, 36, 42, 49, 56, 67 and 70 would not have been obvious in light of *Bouve* and *Hunt* because the cited combination does not disclose or fairly suggest the recited limitations of each claim. In particular, the claims 28, 36, 42, 49, 56, 67 and 70 recite a transmitting “the user profile to a retailer-based agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers,” a result of the query identifying a retailer proximate the user selling an item of merchandise associated with the item of merchandise that the user desires to purchase, and displaying “a customized offer for the item of

merchandise based on the user profile and the result of the query.” The customized offer is for an item or product associated with an item or product that the user desires, and is generated based on user profile information. As discussed, *Bouve* and *Hunt* do not disclose or suggest providing a customized offer to a user. Moreover, the combination of *Bouve* and *Hunt* does not disclose or even fairly suggest performing a query of a computerized network of information “having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers.” Instead, in the combination of *Bouve* and *Hunt* any information that is available solely by a retailer is not provided as a result of a query using user profile information but is provided only after a user follows a link, if desired, to obtain additional information. Therefore, Applicant respectfully request requests reconsideration of the rejection of claims 28, 36, 42, 49, 56, 67 and 70.

#### Dependent Claims

Claims 21-27, 29-35, 37-41, 43-48, 50-55, 57-59, 62-66, 68-69, and 71-72 depend from independent claims 20, 28, 36, 42, 49, 56, 61, 67 and 70, respectively. Accordingly, claims 21-27, 29-35, 37-41, 43-48, 50-55, 57-59, 62-66, 68-69, and 71-72 recite limitations not disclosed or suggest in the cited prior art, and are also in a condition for allowance.

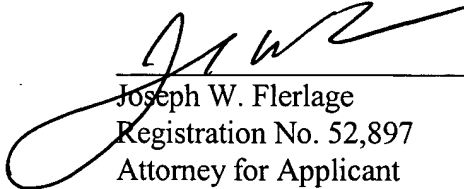
Appln. No. 09/975,460  
Amdmt. Dated May 17, 2005  
Reply to Office Action mailed on January 14, 2005

**CONCLUSION**

According to the amendments and reasons presented above, the application is in a condition for allowance. Withdrawal of the pending rejection is respectfully requested and allowance of all pending claims is earnestly solicited. The Examiner is invited to call the undersigned attorney at the telephone number listed below if a telephone conference would expedite allowance of the application.

Respectfully submitted,

May 17, 2005

  
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